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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,723	04/04/2001	Paul Waxelbaum	1125	3174

7590

07/09/2003

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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/825,723

Applicant(s)

WAXELBAUM, PAUL

Examiner

Jamara A. Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.                      6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities:  
  
in claim 1, line 7, substitute the second occurrence of "a" with --the--,  
  
in claim 1, line 9, substitute "the" with --a--.  
  
Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman (US 6,226,668) in view of Nikolic et al. (US 5,786,748) (hereinafter referred to as 'Nikolic').

Silverman teaches a web messaging system 100 that includes a communications network 130 connected to several communications terminals 140, 150, and 160 via a server; wherein communication terminals 140, 150, and 160 may represent any device which may send and receive communications. The web messaging device 110 solicits a message from the first party and communicates to a second party via pager 180 notifying the second party of a web page to which the message is kept (col. 2, line 2-52).

Silverman lacks the teaching of reading a bar code symbol at the client to generate data.

Nokolic teaches a method for giving notification of express mail package delivery wherein a bar code notification label indicating at least an express mail ID number is attached to the package. The bar code notification label is read using a reader-pager and a message including at least the express mail ID number is transmitted to a pager (col. 3, lines 4-40).

One of ordinary skill in the art would have readily recognized that modifying the Silverman reference with a bar code reader would have been advantageous for applying the method in a variety of environments wherein the bar code reader would transmit pertinent encoded data to a remote party. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Silverman with the reading of a bar code as taught by Nokolic to enhance usage of the Silverman teaching.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman in view of Marrs et al. (US 6,161,760) (hereinafter referred to as 'Marrs').

The teachings of Silverman have been discussed above.

Silverman lacks the specific teaching of mobile units in wireless local area networks.

Marrs teaches the use of wireless local area networks for a plurality of bar code readers in a variety of work environments (col. 1, lines 11-17).

One of ordinary skill in the art would have readily recognized that the elimination of actual wiring in a network would have been beneficial for increased flexibility and to adapt to the presence of data terminal devices to serve a particular need with no other effort or cost than that of the device. Therefore, it would have been obvious, at the time the invention was made, to

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modify the teachings of Silverman with the aforementioned teachings of Marrs for cost-effective data transmission.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Madruga (US 6,138,910) teaches a delivery vault featuring remote notification that a delivery has occurred.

Jones (US 6,411,891) teach an advance notification system and method utilizing user-definable notification time periods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is 703-305-0128. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703)308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.




Janara A. Franklin

Examiner

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JAF

June 27, 2003



MICHAEL G. LEE  
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